



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/818,092

03/26/2001

Charles Guthrie

2102330-991110

2840

7590

07/27/2004

Suzanne Decker
Chapter 7 Trustee, Digital Reflections Inc.
Wendel Rosen Black & Dean
1111 Broadway, 24th Floor
Oakland, CA 94607

EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

EXAM DATE

09/818092

2817

☒ This application has been examined ☒ Responsive to communication filed on 30 Apr 2009 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 2, 4-7, 9-17, 19-24, 26-108 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1, 2, 4, 5, 47, 48; 6, 7, 9-14; 15-17, 19-23; 24, 26-31; 32-39; 40-46; 54-62; 62-108 are rejected.
5. ☒ Claims 49-52; 53 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit: 2817

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 April 2004 has been entered.

In applicants' RCE submission of 30 April 2004, the copying of claims from published U.S. patent application US2002/0011802 A1, for purposes of provoking an interference is acknowledged. Applicants' are advised that the U.S. patent application associated with the above noted publication has now matured into a U.S. Patent (i.e. US 6737809, issued 18 May 2004).

Claims 63, 67, 70-73, 82, 83, 85-87, 91-96; ⁹87, 98; 99, 100; 101-103; 106, 107 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Note that the above cited claims were some of the claims "copied" from the printed publication US2002/0011802 A1. However, it should be noted that the specific limitations recited in these copied claims are not be supported by the original disclosure of the present application into which they have been copied. Accordingly, these "copied claims" have been treated as "new matter". Thus applicants' are required to remove these claims from the present application.

Art Unit: 2817

Claims 4, 5; 9, 10, 14; 15-17, 19-23; 24, 26-31; 32-39; 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4, 9, 15, 32, 40, note that it remains unclear, if the “waveguide structure” and the “housing” are provided as “a single integrated structure”, then how/why can the “housing” be comprised of another/different “ceramic material”. Clarification is still needed.

The following claims have been found objectionable for reasons set forth below:

In claims 10, 14, note that “other” should be rewritten as --another-- for consistency of description.

In claims 15, 16, note that “formed from” should be rephrased as --comprised of-- to avoid the inappropriate method connotation.

In claim 24, line 4; claim 32, line 8; claim 40, line 5: note that a --,-- should follow “discharge”, “light” and “energy”, respectively.

In claim 52, note that “is coated with” should be rephrased as --has a coating of-- to avoid the inappropriate method connotation.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 4, 5, 47, 48; 6, 7, 11; 15-17, 20, 23; 24, 26, 27, 29; 32-34, 36; 40-42, 44; 54, 55, 57-59; 62-96; 97, 98; 99, 100; 101-103; 104-108 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by the U.S. patent to Espiau et al.

Claims 9, 10, 12-14; 19, 21, 22; 35, 37-39; 56, 60, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. patent to Espiau et al.

Art Unit: 2817

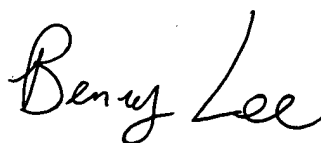
Note that in each of the above rejections, the Espiau et al patent matured from the same U.S. patent application (i.e. U.S. Patent application Serial No. 09/818092) from which the published U.S. patent application to Espiau et al was derived. Accordingly, the U.S. patent to Espiau et al contains substantially the same subject matter as that in the published U.S. patent application to Espiau et al, and as such the above rejections, based on the U.S. patent to Espiau et al, are substantially the same grounds of rejection based on the published U.S. patent publication to Espiau et al. Thus applicants' can refer to the contents of the previous Office action (i.e. the Final rejection) for a detail explanation of the grounds of rejection. With respect to "copied claims" 62-108, since those claims were copied from the published U.S. patent publication to Espiau et al, and it has been established that the U.S. patent to Espiau et al contains substantially the same subject matter, then it stands to reason that the Espiau et al patent fully supports these copied claims and as such are clearly anticipated by the disclosure of the Espiau et al patent.

Applicant's arguments with respect to claims 1, 2, 4-7, 9-14, 47-52, 53; 15-17, 19-23; 24, 26-31; 32-39; 40-46; 54-61 have been considered but are moot in view of the new ground(s) of rejection.

Claims 49-52; 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee



BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817